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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,148	06/23/2000	Wayne A. Shamblin	ALPI 6 P 16,984 R	6582

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Crutsinger & Booth
1601 Elm Street Suite 1950
Dallas, TX 75201

EXAMINER
NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
3726	

DATE MAILED: 12/01/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/605,148	Shamblin
Examiner	**Art Unit**
Trinh Nguyen	3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Amdt. A dated 4/18/01 and Amdt. B dated 8/23/01* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *1-7* is/are allowed.

6) ☒ Claim(s) *8-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 8-10, 12, 14-17, and 19** are rejected under 35 U.S.C. 102(b) as being anticipated by **Sanford** (US 3,255,943).

Sanford teaches a truss assembly/roller apparatus (10) for use in connection a plurality of truss members (11) and a plurality of connection plates (see line 15 of col. 1) to fabricate a truss. The truss assembly/roller apparatus (10) comprising: a truss table (18, 19) having two guide tracks (134, 71, 149) coupled to the truss table and a work surface on which the truss may be positioned; a roller assembly (16) movably coupled to the guide tracks, wherein the roller assembly including a plurality of drive wheels (119, 145) for moving the roller assembly relative to the truss table worksurface, a roller (90) to press the connector plates in to the truss members, and a motor (111) configured to be rotatably coupled to the roller and the drive wheels; and an adjustment apparatus (113, 116, 121, 121A, 96, 122, 123, 124, 125, 126, 121B, 129, 130, 131, 132) supporting and maintaining the roller assembly parallel to the work surface (see lines 63-75 of col. 5, lines 1-15 of col. 6, and figure 9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 11, 13, 18, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sanford** (US 3,255,943).

Sanford teaches the claimed invention essentially as claimed except to mention that the roller and the drive wheels rotate at a same speed. It would have been obvious to one of ordinary skill in the art at the time the invention was made that whether the roller and the drive wheels are rotated at the same or different speed is a matter of design choice since no significant problem is solved or unexpected result obtained by having the roller and the drive wheels rotate at a same speed as claimed versus that taught by the prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sanford** (US 3,255,943) in view of **Gore et al.** (US 5,211,108).

As described above, **Sanford** teaches the invention as claimed except for an adjustment apparatus comprising adjustment means supporting each end of the roller assembly wherein the adjustment means operably connected to simultaneously adjust the ends of the roller assembly while maintaining the roller assembly parallel to the work surface.

However, **Gore et al.** teach a truss assembly apparatus with vertically adjustable press roller wherein the apparatus comprises an adjustment apparatus having at least one adjustment means (54, 56, 70, 76, 78, 80, 82, 84, 88, 90, 92, 94, 96) supporting each end of a roller assembly (18, 28), the adjustment means operably connected to simultaneously adjust the ends of the roller assembly while maintaining the roller assembly parallel to the work surface (please see lines 30-50 of col. 3, lines 8-68 of col. 5, lines 1-20 of col. 6, and lines 40-46 of col. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Sanford so as to include Gore et al.'s adjustment means, in light the teaching of Gore et al., in order to allow simultaneous adjustment between the ends of the roller assembly and thus eliminate additional adjustments at both ends of the roller assembly.

Allowable Subject Matter

7. **Claims 1-7** are allowed.

Response to Arguments

8. Applicant's arguments filed 4/18/01 have been fully considered but they are not persuasive.

9. Applicant argues that the Sanford reference does not teach an adjustment apparatus supporting the roller assembly at variable spacial relationships to the work surface while maintaining the roller assembly parallel to the work surface. The Examiner disagrees. It is noted that a fair reading of the claim language permits the Examiner to interpret that the Sanford reference does disclose an adjustment apparatus (113, 116, 121, 121A, 96, 122, 123, 124, 125, 126, 121B, 129, 130, 131, 132) supporting the roller assembly (16, which also includes roller 90) at variable spacial relationships to the work surface while maintaining the roller assembly parallel to the work surface (as shown in Figure 1, roller assembly 16 is parallel to the work surface and is supported by adjustment apparatus within dolly 91).

10. Applicant further argues that Sanford's adjustment apparatus individually adjusts each end of the roller assembly, not maintaining the roller parallel to the work surface during adjustment. The Examiner agrees that Sanford's adjustment apparatus individually adjusts each end of the roller assembly. While Applicant's statement that the Sanford's adjustment apparatus does "not maintaining the roller parallel to the work surface during adjustment", this is an issue that need not be considered by the Examiner at this time, as a careful perusal of the language of claims 8, 12, 16, and 19 reveal that there are no such limitations. Thus, Applicant's remarks appear to be more specific than the claims language.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

ttn TTN

November 16, 2001

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.